

REMARKS

Claims 21 to 38 are pending in the application.

Claim 38 has been added. Support for the subject matter of claim 38 may at least be found at page 5, paragraph 2 of the specification.

Claim 21 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that in an interview with Examiner Hunter on August 28, 2001, the Examiner agreed with Applicant's representative that the § 112, second paragraph rejection of claim 21 was improper.

Claims 21 to 25, 27 to 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,467,997 to Bashirzadeh ("the Bashirzadeh patent").

The Bashirzadeh patent is directed to a deck of informational playing cards, each card having a front surface with a primary printed indicia of a unique member of a class of items and a plurality of statistical elements directly related to the one member.

Claim 21 is directed to a method for playing a competitive card game simulating wrestling matches, the method comprising the steps of: (a) providing a stack of playing cards for each-player playing the game, each card representing a specific wrestler and having a plurality of games thereon, wherein said card has

indicia thereon representing various information about the wrestler, wherein said indicia comprises statistics of the specific wrestler; (b) selecting a statistical game from said plurality of games on said card; (c) selecting a card from the stack of each player; (d) choosing one category of the statistics to be compared; and (e) comparing the statistics of the wrestlers on the chosen category on the selected cards to determine a winner of the card game.

Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest a method for playing a competitive card game as set forth in claim 21. Specifically, the Bashirzadeh patent does not disclose a competitive card game that simulates wrestling matches or cards representing a specific wrestler, as in claim 21.

Even if, as suggested by the Examiner in the telephone interview of August 28, 2001, claim 21 should have been a 103 rejection, the Bashirzadeh patent does not disclose or even suggest cards having a plurality of games thereon or the step of selecting a statistical game from a plurality of games on the card, as in claim 21. The Bashirzadeh patent discloses cards having information thereon that is only used in one game, a statistical comparison game. In the Bashirzadeh patent there is no disclosure of, or suggestion to modify to include, more than one game on each card nor a step of selecting one game from amongst a plurality of games on a card. Accordingly, Applicant respectfully submits that claim 21 patentably distinguishes over the prior art.

Claim 22 adds the feature that the categories are chosen from the group consisting of height, weight, number of titles,

bicep/tricep size, chest size, crowd appeal, and any combinations thereof.

Applicant respectfully submits that claim 22, which depends from claim 21, is patentably distinguishable over the prior art for at least the reasons discussed above with respect to claim 21. Claim 22 is further patentably distinguishable in that the Bashirzadeh patent does not disclose categories chosen from the group consisting of height, weight, number of titles, bicep/tricep size, chest size, crowd appeal, and any combinations thereof.

Applicant respectfully submits that claims 23 to 25, 27 and 38, which depend from claim 21 are patentably distinguishable over the prior art for at least the reasons discussed above with respect to claim 21.

Claim 28 is directed to a method for playing a competitive card game simulating wrestling matches, the method comprising the steps of: (a) providing a stack of playing cards for each player playing the game, each card representing a specific wrestler and having a plurality of games thereon, wherein said card has indicia thereon representing a ranking of the wrestler; (b) selecting a ranking comparison game from said plurality of games on said card; (c) selecting a card from the stack of each player; and (d) comparing the rankings of the wrestlers on the selected cards to determine a winner of the card game.

Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest a method for playing a competitive card game as set forth in claim 28. Specifically, the Bashirzadeh patent does not disclose a competitive card game that simulates wrestling matches or cards representing a specific

wrestler, as in claim 28. Further, the Bashirzadeh patent does not disclose a card having indicia thereon representing a ranking of the wrestler. Still further, as discussed above with respect to claim 21, the Bashirzadeh patent does not disclose or even suggest cards having a plurality of games thereon or the step of selecting a ranking comparison game from a plurality of games on the card, as in claim 28. The Bashirzadeh patent discloses cards having information thereon that is only used in a statistical comparison game. Accordingly, Applicant respectfully submits that claim 28 patentably distinguishes over the prior art.

Applicant respectfully submits that claims 29 and 31, which depend from claim 28, are patentably distinguishable over the prior art for at least the reasons discussed above with respect to claim 28.

Claims 26 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bashirzadeh patent.

Claim 26, which depends indirectly from claim 21, adds the features to the method of claim 21 that the choosing step includes having one of the players choose the category of the statistics to be compared. Also, during the comparing step, if the statistics in the chosen category on the selected cards are the same, then another player chooses another category of the statistics to be compared.

As discussed above with respect to claim 21, the Bashirzadeh patent fails to disclose or suggest a method for playing a competitive card game as set forth in claim 21. Therefore, claim 26 would be patentably distinguishable for at least the reasons discussed above with respect to claim 21. Further, Applicant respectfully submits that the Bashirzadeh patent does not

disclose or suggest that during a comparing step, if the statistics in the chosen category on the selected cars are the same, then another player chooses another category of the statistics to be compared. It would not have been obvious for one of ordinary skill in the art at the time the invention was made to modify the method of the Bashirzadeh patent to include a tie breaking step, let alone the tie breaking involving another player choosing another category of the statistics to be compared, as in claim 26. In fact, not only is there no provision for a tie disclosed in the Bashirzadeh patent, but the Bashirzadeh patent teaches away from the possibility of ever having a tie that would need to be broken. Each set of statistics in the deck of cards in the Bashirzadeh patent has "only one prevailing statistical element for each set" (col. 2, lines 21 to 22 and col. 5, lines 7 to 8). Since there are no two cards in the method of the Bashirzadeh patent where the statistics in the chosen category on the selected cards are the same, it would not be obvious to modify such a method to include a tie breaking method of having a player other than the player who chose the initial category for comparison choose another category of statistics to be compared, as in claim 26. Accordingly, Applicant respectfully submits that claim 26 is further patentably distinguishable over the prior art.

Claim 30, which depends from claim 28, adds the features to the method of claim 28 that the method further comprising a step wherein the players drop the selected cards so as to tumble end over end and land either face up or face down and the comparing step includes comparing the rankings of the wrestlers represented on any of the selected cards which are face up and the player with the card having the highest ranking wins the selected cards of the other players.

As discussed above with respect to claim 28, the Bashirzadeh patent fails to disclose or suggest a method for playing a competitive card game as set forth in claim 28. Therefore, claim 30 would be patentably distinguishable for at least the reasons discussed above with respect to claim 28. Further, Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest an additional step of wherein the players drop the selected cards so as to tumble end over end and land either face up or face down. Contrary to the assertion in the Action that there is no difference in the outcome of the game by the way the cards are presented, the method of claim 30 provides several potential outcomes that differ from that of the method of the Bashirzadeh patent. The method of the Bashirzadeh patent discloses a method of presentation which involves the first player orienting a selected card so that only that player can see the front surface of the card and then reading aloud the selected statistical element from that card. This is followed by all other players of the game repeating this process such that each player of the game presents a statistical element for comparison. The method of claim 30 allows for one or more of the cards that are dropped to land face down. These cards are therefore not presented at all.

Still further, the Bashirzadeh patent fails to disclose or suggest that the comparing step include comparing the rankings of the wrestlers represented on any of the selected cards which are face up. The method of the Bashirzadeh patent provides for a card from each player being compared. The method of claim 30 allows for one or more of the cards that are dropped to not be compared at all. These cards that land face down automatically loose to cards that land face up without comparison. This adds a completely different dimension to the game play and to the result, as the card that lands face down may very well have a

ranking of the wrestler represented thereon which otherwise would have prevailed over the cards that land face up. Nowhere in the Bashirzadeh patent is such a method as in claim 30 disclosed or suggested. Furthermore, there is no motivation for a person having ordinary skill in the art to modify the method of presentation and comparison of the Bashirzadeh patent to achieve the card dropping and comparison of only those cards that land face up, as in claim 30. Accordingly, Applicant respectfully submits that claim 30 further patentably distinguishes over the prior art.

Claims 32 to 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bashirzadeh patent in view of U.S. Patent No. 5,662,332 to Garfield ("the Garfield patent").

The Garfield patent is directed to game components comprising (a) energy or mana cards and (b) command or spell cards. Players of the game determine prior to game play an amount of life points that each player will possess. Energy cards are required to bring a command or spell card into play. Interplay of various energy and command cards can be used to reduce a player's life points to zero, thereby eliminating the player from the game.

Claim 32 is directed to a method for playing a competitive card game simulating wrestling matches, the method comprising the steps of: (a) providing a playing card for each player, each card representing a specific wrestler and having indicia thereon, wherein said indicia has one or more wrestling moves of said specific wrestler represented thereon, a rating of punishment that said one or more wrestling moves can inflict on an opponent, a rating of total amount of punishment that said specific wrestler represented thereon can sustain, and any combinations thereof;

and (b) each of the players sequentially selecting a wrestling move to be performed from the card of the player and subtracting the rating of punishment of the selected wrestling move from the rating of total amount of punishment of the card of another player, said sequential selection and said subtraction continuing until one of the players depletes the total amount of punishment of the other player.

Applicant respectfully submits that the Bashirzadeh patent fails to disclose or suggest the method for playing a competitive card game set forth in claim 32. The Action states that the Bashirzadeh patent does not disclose or suggest a method of rating the amount of punishment inflicted on or by a player to another player. Applicant respectfully submits that the method of the Bashirzadeh patent does not disclose or suggest a playing card having indicia thereon, wherein the indicia has one or more wrestling moves of said specific wrestler represented thereon, a rating of punishment that said one or more wrestling moves can inflict on an opponent, or a rating of total amount of punishment that said specific wrestler represented thereon can sustain. Further, the method of the Bashirzadeh patent does not disclose or suggest the sequential selection of a wrestling move to be performed from the card or the subtracting of the rating of punishment from the rating of total amount of punishment of the card of another player.

A prima facie case of obviousness requires (a) a suggestion or motivation for one of ordinary skill in the art to modify the reference or to combine reference teachings, (b) reasonable expectation of success, and (c) that the references when combined must teach or suggest all the claim limitations. Applicant respectfully submits that one of ordinary skill in the art would not be motivated to combine the teachings of the Garfield patent

to overcome the deficiencies of the Bashirzadeh patent. The method of the Bashirzadeh patent involves a direct comparison of a statistical element on one card with a statistical element on another card. Either the higher or lower value wins. There is no motivation in the Bashirzadeh patent to look elsewhere to modify this method to include cards having amounts of punishment that can be inflicted and that can be sustained by a wrestler indicated on a card, or to include a method of rating the amount of punishment inflicted on or by the wrestler represented thereon.

Even if one of ordinary skill in the art could be motivated to combine the Garfield patent with the Bashirzadeh patent, the combination thereof does not disclose or suggest each and every feature of claim 32. Specifically, the Garfield patent fails to cure the deficiencies of the Bashirzadeh patent. The cards in the method of the Garfield patent are divided into two types of cards that can be used as part of a hand to commence gameplay. One type of card is an energy or mana card. The other type of card is a command or spell card. Each command card indicates the level and type of energy required to effectuate a command associated therewith. The energy cards indicate the type and level of energy provided by the energy card. Additionally, each player of the game of the Garfield patent is assigned a predetermined amount of life value. This value is not indicated on any card disclosed by the Garfield patent. Claim 32 requires a card having a rating of total amount of punishment that a specific wrestler represented thereon can sustain. This rating is fixed for each wrestler by the indication on the card. The Garfield patent does not disclose or suggest a card having such a rating thereon, let alone a single card that has both a rating of punishment that can be inflicted and a rating of punishment that can be sustained thereon, as in claim 32. The energy card of the

Garfield patent does not have a rating of total amount of punishment to be sustained by the wrestler represented thereon. The energy card of the Garfield patent is simply used to bring the command cards into play.

Further, the Garfield patent does not disclose or suggest sequentially selecting a wrestling move to be performed from the card of a player or subtracting the rating of punishment of the selected wrestling move from the rating of total punishment of the card of another player, both as in claim 32. As discussed above, there is no card disclosed or suggested in the Garfield patent that has thereon a rating of total punishment. Further, in the method of the Garfield patent, more than one card is required by each player to conduct game play at any level (energy cards are required to bring into play command cards). Each player can use only one card in the method of claim 32, including the selecting of a wrestling move to be performed.

Still further, the method of the Garfield patent requires that when a card is used to attack, that card is subsequently discarded or placed in the "graveyard" upon being used or destroyed (see col. 12, lines 14 to 25 and col. 17, lines 46 to 50). Whereas, in the method of claim 32, the entire game is played with one card being used by each player. The same card is used for each subsequent sequential selection of a wrestling move. In this respect, the same card in the method of claim 32 is used differently for each attack as different wrestling moves may be selected. However, one card is used until one of the players depletes the total amount of punishment indicated on the card of the other player. In the method of the Garfield patent each card has only one function and multiple cards are required to ultimately diminish the life value of a player, not a card.

It is impossible to play the method of the Garfield patent with only one card for each player.

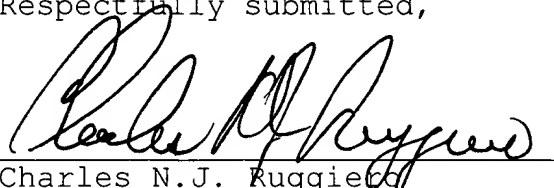
Accordingly, Applicant respectfully submits that claim 32 is patentably distinguishable over the cited references alone and in combination.

Applicant respectfully submits that claims 33 to 37, which depend from claim 32, patentably distinguish over the cited references and their combination for at least the reasons discussed above with respect to claim 32.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the cited prior art and the cited combinations of same. All amendments to the claims include features previously included in the claims and do not require further search. Accordingly, Applicants respectfully request favorable consideration and the passage of all claims to allowance.

Respectfully submitted,

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